

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Appellee,)	
)	
v.)	No. 23-3137
)	
BRUNO JOSEPH CUA,)	
)	
Defendant-Appellant.)	
)	
)	
)	

CONSENT MOTION TO RESET BRIEFING SCHEDULE

Appellant Bruno Joseph Cua, by and through counsel, and with the consent of the government, moves this Honorable Court for an order resetting the deadlines for filing the appeal briefs and joint appendix following resolution of the appeal before the Supreme Court of the United States in *Joseph W. Fischer v. United States of America*, No. 23-5572, on Friday, June 28, 2024.

In support of this motion, Mr. Cua states as follows:

1. Mr. Cua appeals his convictions under 18 U.S.C. § 1512(c)(2) (corruptly obstructing, influencing, or impeding an official proceeding) and

18 U.S.C. § 111(a) (assaulting, resisting, or impeding certain officers or employees) in relation to his actions at the United States Capitol on January 6, 2021.

2. On January 2, 2024, upon consideration of the parties' joint motion to suspend the briefing schedule in view of the Supreme Court's grant of certiorari in *Fischer v. United States*, No. 23-5572, the Court ordered that this case be held in abeyance pending further order of the Court and directed the parties to file motions to govern future proceedings in this case within 14 days of the Supreme Court's disposition of the *Fischer* appeal. See ECF No. 2034078.

3. On June 28, 2024, the Supreme Court issued its decision in *Fischer*, vacating the judgment of this Court and remanding for further proceedings. See *Fischer v. United States*, 2024 WL 3208034, at *10, 603 U.S. — (2024).

4. Although the outcome of *Fischer* on remand is pending, Mr. Cua files this motion now because his primary counsel William Zapf will begin a sabbatical on July 8, 2024, which will continue through

September 1, 2024.¹ For this reason, Mr. Cua respectfully requests that the Court reset the deadline for Mr. Cua's appeal brief for six weeks after Mr. Zapf returns from sabbatical on September 2, 2024. With the consent of the government, Mr. Cua respectfully requests that the Court reset the briefing schedule as follows:

Appellant's Brief	October 14, 2024
Appendix	October 14, 2024
Appellee's Brief	November 13, 2024
Appellee's Reply Brief	December 11, 2024 ²

5. Counsel for appellee the United States has stated that the government consents to the requested relief.

6. WHEREFORE, Mr. Cua respectfully requests that the Court enter an order resetting the briefing deadlines as stated above.

¹ Jonathan Jeffress entered his appearance yesterday for the purpose of receiving notices of any docket activity during Mr. Zapf's absence, but Mr. Zapf primarily will be handling the appeal otherwise.

² The parties agreed to set the deadline for appellant's reply brief on December 11, 2024, 28 days after appellee submits its brief, rather than the standard 21 days, due to the intervening Thanksgiving holiday.

Respectfully submitted,

DATED: July 1, 2024

/s/ William E. Zapf

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(g) of the Federal Rules of Appellate Procedure, and in accordance with Circuit Rule 28(c), Fed. R. App. P. 32(a)(5) and (a)(7)(B), the undersigned counsel certifies that the accompanying motion is printed in 14-point typeface, with serifs, and consists of no more than 5,200 words, including footnotes. According to the “Word Count” feature in Microsoft Word, the word-processing software program used to prepare the motion, it contains 377 words, excluding the caption, title, signature block, and certificates, but including footnotes.

/s/ William E. Zapf
William E. Zapf
Attorney for Bruno Joseph Cua
Dated: July 1, 2024

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2024, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. Participants in this case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ William E. Zapf
William E. Zapf
Attorney for Bruno Joseph Cua